

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION SUB-COMMITTEE ON SENATE JUDICIARY, SB 176

Call to Order: By **SEN. WALTER MCNUTT**, on February 9, 2001 at 5:00 P.M., in Room 350 Capitol.

ROLL CALL

Members Present:

Sen. Mike Halligan (D)
Sen. Walter McNutt (R)
Sen. Duane Grimes (R)

Members Excused: None.

Members Absent: None.

Staff Present: Anne Felstet, Committee Secretary
Cecile Tropila, Transcriptionist
Valencia Lane, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Sub-committee on SB 176

Discussion

SEN. WALT MCNUTT explained the idea of the grant and language for the bill.

Judy Paynter, Department of Revenue, said judges could administer the grants now and next year. She asked about a proponent.

Valencia Lane, Legislative Staff, answered she was from the Board of Crime Control.

SEN. MIKE HALLIGAN thought they needed to look closely at public defenders. He handed out a letter from Judge Ed McLean regarding the bill **EXHIBIT(jus33a01)**. **Judy Paynter** explained the district court budget and what money was split and how it was recorded.

Valencia Lane handed out amendments SB017603.avl **EXHIBIT(jus33a02)** and SB017604.avl **EXHIBIT(jus33a03)** to the bill and explained language changes. She referred to discussion from the Judiciary Committee.

SEN. HALLIGAN asked about the issue of members being removed. **Valencia Lane** said there was a comment to remove members and go from nine to seven by removing the clerks of district court.

Judy Paynter didn't think they needed to stay full time, only through transitions. She thought the county commissioner could help the transition issues.

SEN. HALLIGAN wondered about the voting. **Valencia Lane** said it wasn't discussed. She said it could be a possibility to make the non-voting members temporary for the transition.

Judy Paynter did not think the clerk would be added because they would work with them forever. She said communication was crucial to work back and forth.

SEN. HALLIGAN asked about equal rights. **Judy Paynter** said they did not get to vote. **Valencia Lane** added only the judges voted.

SEN. MCNUTT asked for clarification of judges. **Valencia Lane** said there were four judges and the chief justice.

Judy Paynter said they needed to be present for input to the judges. **SEN. MCNUTT** felt it would be for the coordination and communication.

SEN. HALLIGAN referred to page eleven and wondered about the referencing of the bill. **Valencia Lane** said page eleven was incorrect on line eighteen.

SEN. HALLIGAN asked if whatever was being levied would go to the state. **Valencia Lane** said it went to the county to fund what they were able to pay.

SEN. HALLIGAN asked about state and judicial functions. **Judy Paynter** answered it was through the general funds. She added the bill worked in coordination with SB 124. She explained the revenue changes.

SEN. HALLIGAN thought they might lose the special master. **Judy Paynter** asked if this was not within the district court budget. She thought if the master was a part of the district court budget then it would be funded.

Judy Paynter talked about the county's budget planning. **SEN. HALLIGAN** thought at least two of the judges had masters. **SEN. MCNUTT** said they needed to look at how they were funding this and from what source.

SEN. HALLIGAN said the county commissioner could be allowed to be a non-voting member for the biennium. **SEN. MCNUTT** did not have any problem with that. **Valencia Lane** asked if this would take effect for 2003. **Judy Paynter** answered yes.

Motion/Vote: **SEN. HALLIGAN** moved SB017604.AVL BE ADOPTED. Motion carried unanimously.

Valencia Lane explained the letter that was handed out. She expressed the concern by judicial courts. She said civil juries needed to be covered and costs of involuntary commitments. She explained amendment SB017603.avl, **exhibit (2)**.

Judy Paynter said if they were paid within the district court budget it should be picked up. She said some expenditures should not be picked up.

{Tape 1; Side B}

Lisa Smith, Judiciary Department, handed information to **Judy Paynter** regarding budgets. She wondered about coverage.

Judy Paynter said it needed to be checked. **SEN. MCNUTT** didn't think they needed to add all of the district court expenses.

Judy Paynter didn't think all of these were district court expenses. **Valencia Lane** added the clerks of court were supporting this bill with the understanding they would be picked up.

Judy Paynter said this wasn't an expenditure relief to the counties, just a trade. **Valencia Lane** said they needed to visit with the clerks to have a clear understanding.

Judy Paynter said the bill needed to blend with SB 124. **SEN. HALLIGAN** thought that bill should come over before transmittal, before the revenue deadline.

Motion/Vote: **SEN. HALLIGAN** moved SB 176 03.AVL BE ADOPTED. Motion carried unanimously.

SEN. MCNUTT said another subcommittee meeting would be held to further discuss the issue.

ADJOURNMENT

Adjournment: 5:38 P.M.

SEN. WALTER MCNUTT, Chairman

ANNE FELSTET, Secretary

LG/AF